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EXAMINER

VIZVARY, GERALD C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,583	Applicant(s) CHAPPUIS, PIERRE	
	Examiner GERALD C. VIZVARY	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17 & 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 & 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In the action filed 11/16/2007, the following has occurred: Claims 1-15 & 17-18 have been amended. Claims 16, 19 and 20 have been cancelled.

The objections to claims 8 and rejection of claim 9 under 35 USC 112 ¶ 2 are withdrawn by the examiner based on the changes made by Applicant to the claims.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 13 & 14 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the configuration of "less than four devices"..

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-12 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz 6,078,908 in view of Beatty, US 5,675,630A.

.As per claim 1 (Currently Amended), Schmitz 6,078,908 teaches a method for the identification of a user and generation of an action authorization for the ~~user~~, ~~with the aid of using~~ less than four devices, said devices comprise a mobile terminal and an identification module, whereby the action is an access authorization or an electronic ticket, comprising the following steps:

- a) selecting a desired action type by menu control on the mobile terminal,
- b) transmitting the action authorization request together with an identification code from the mobile terminal to the identification module, whereby the action authorization request indicates the type of action and at least one parameter of the action authorization requested ("The authorization signal can be transmitted from the data input apparatus to the authorization computer along the first transmission path. Acceptance of the authorization signal during verification of the validity of the authorization signal by the authorizing computer can be limited to a predefined number of times, to a predefined user time, depending on a predefined number of data files being transmitted, or depending on a predefined size value of data files being transmitted." Schmitz 6,078,908, col. 1, line 63-col. 2 line 4),
- c) checking by the identification module as to whether the action authorization with the at least one parameter is permissible for the identification code, and, if it

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is permissible (“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer” Schmitz 6,078,908, col. 3 line 36-40):

d) generating an action code for the action authorization requested by the identification module, whereby the action code records, in relation to at least one third location, a clearance for the action with the at least one parameter by the identification module (“and the authorization computer allows a release of the data flow between the data input apparatus and a receiver unit after this checking of the authorization”. Schmitz 6,078,908, col. 3 lines 40-42),

e) transmitting the action code wirelessly and directly from the identification module to the mobile terminal (“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40) and (“Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been established.” Schmitz 6,078,908, col. 3 lines 50-53), and

f) displaying the action code on a display of the mobile terminal (“This receiver can be for example a wireless receiver with a display or a monitor such as for example a mobile or cellular phone or a pager.” Schmitz 6,078,908, col. 3 lines 7-9).

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Schmitz fails to explicitly show selecting a desired action type by menu control on the mobile terminal

Beatty shows selecting a desired action type by menu control on the mobile terminal ("All software may be driven by function keys on the cellular phone or via the computer keyboard which directs the user through the options in a logical, orderly fashion. The application software used for selecting, editing, and configuring new and existing NAMs [Number Assignment Modules], phone books, and speed dial directories is typically menu-driven." Beatty, US 5,675,630A col. 5, lines 11-13)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Schmitz with the menu driven selection feature of Beatty in order to direct the user through the options in a logical, orderly fashion. Beatty, US 5675630A col. 5, lines 9-10)

As per claim 2 (Currently Presented), Schmitz 6,078,908 teaches a method according to claim 1, ~~characterized in that~~ wherein the method is terminated and the action authorization is issued, in that the user sends the action code via the Internet to a server, which functions as the terminal of an application operator ("The transaction authorization number TAN or the comparable password can be a one-time usable transaction authorization number TAN or a one time usable password. The validity of the transaction authorization number TAN or of the comparable password can be limited to a predefined user time. The validity of the transaction authorization number TAN or of the comparable password can be

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dependent on a predefined number of the transmitted data files or on a predefined size value of the transmitted data files. Schmitz 6,078,908, col. 7 lines 16-25).

As per claim 3 (Currently Presented), Schmitz 6,078,908 teaches a method according to claim 1, wherein the validity of the action code is time-limited and/or the maximum number of action authorizations for which the action code is valid is limited. ("However, other limitations such as the user time and/or the number or the size of the data files to be transmitted relating are also conceivable for use in determining the validity of the transaction authorization number or of the comparable password." Schmitz 6,078,908, col. 3 lines 45-49)

As per claim 4 (Previously Presented), Schmitz 6,078,908 teaches a method according to claim 1, wherein in step a), a personal identification number of the user is additionally sent by the mobile terminal to the identification module ("The authorized user can enter the thus transmitted transaction authorization number or the comparable password manually into his/her data input apparatus and send the transaction authorization number TAN again to the authorization computer." Schmitz 6,078,908, col. 3 lines 29-33).

As per claim 5 (Previously Presented), Schmitz 6,078,908 teaches a method according to claim 1 wherein a communication that takes place between the mobile terminal and the identification module is at least partially encoded. ("It is

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clear that these data can also be encrypted or encoded first and then transmitted for obtaining additional security.” Schmitz 6,078,908, col. 3 lines 54-55)

As per claim 6 (Previously Presented), Schmitz 6,078,908 teaches a method according to claim 1 wherein a communication between the mobile terminal and the identification module is carried out at least partially by means of a data channel. (“An alphanumeric or only numeric transaction authorization number TAN, or a comparable password, is calculated or read from a data file based on a random number generator in this authorization computer. This transaction authorization number TAN, or a similar password, is transmitted to a receiver by the authorizing computer through another transmission path disposed parallel to the existing connection with the data-input apparatus.” Schmitz 6,078,908, col. 3 lines 50-53)

As per claim 7 (Previously Presented), Schmitz 6,078,908 teaches a method according to claim 1 wherein in a communication between the mobile terminal and the identification module data is used which is read out from a data carrier in the mobile terminal. (“An alphanumeric or only numeric transaction authorization number TAN, or a comparable password, is calculated or read from a data file based on a random number generator in this authorization computer. This transaction authorization number TAN, or a similar password, is transmitted to a receiver by the authorizing computer through another transmission path disposed

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parallel to the existing connection with the data-input apparatus.” Schmitz 6,078,908, col. 3 lines 50-53)

As per claim 8 (Previously Presented), Schmitz 6,078,908 teaches a method according to claim 1 wherein in step a) a plausibility check is additionally carried out by sending network information to the identification module which relates to the network used for the transmission in step a). (“The security of this system is based on the fact that a data transmission from the data input apparatus to the receiver unit has to be released and turned on by the authorization computer only in case of an authorization of the apparatus. This is accomplished by the employment of separate transmission paths between the data input apparatus and the authorization computer on the one hand, and between the authorization computer and the receiver unit on the other hand. The present invention is insofar distinguished from call-back systems, where only one checking occurs between the data input apparatus and the authorization computer.” Schmitz 6,078,908, col. 4 lines 1-7)

As per claim 9 (Currently Amended), Schmitz 6,078,908 teaches a method according to claim ~~[[7]]~~ 8, wherein a network information containing details relating to a provider, a radio cell, or combinations thereof is used in step a). (“The security of this system is based on the fact that a data transmission from the data input apparatus to the receiver unit has to be released and turned on by the authorization computer only in case of an authorization of the apparatus. This

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is accomplished by the employment of separate transmission paths between the data input apparatus and the authorization computer on the one hand, and between the authorization computer and the receiver unit on the other hand. The present invention is insofar distinguished from call-back systems, where only one checking occurs between the data input apparatus and the authorization computer.” Schmitz 6,078,908, col. 3 line 64 to col. 4 line 14)

As per claim 10 (Previously Presented), Schmitz 6,078,908 teaches a method according to claim 1 wherein the action code is shown on the display of the mobile terminal. (“Further encoding mechanisms can be dispensed with according to the present invention if one employs a mobile or cellular phone, in particular a global system for mobile communication or cellular phone, instead of a pager based on the encoding of the respective transmission technique. In this case, the display of the transaction authorization number or of the comparable password is performed on the display of the mobile or cellular phone.” Schmitz 6,078,908, col. 4 lines 49-56)

As per claim 11 (Previously Presented), Schmitz 6,078,908 teaches a method according to claim 1 wherein information relating to the action to which step a) relates is deposited in a data carrier of the mobile terminal. (“An alphanumeric or only numeric transaction authorization number TAN, or a comparable password, is calculated or read from a data file based on a random number generator in this authorization computer. This transaction authorization number TAN, or a similar

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password, is transmitted to a receiver by the authorizing computer through another transmission path disposed parallel to the existing connection with the data-input apparatus.” Schmitz 6,078,908, col. 2 line 65-col. 3 line 5) and thereby deposits the action information into the mobile terminal.

As per claim 12 (Currently Amended), Schmitz 6,078,908 teaches a method according to claim 10, wherein [[an]] information from the mobile terminal is read out, transferred to another device, or combinations thereof. (“The security of this system is based on the fact that a data transmission from the data input apparatus to the receiver unit has to be released and turned on by the authorization computer only in case of an authorization of the apparatus. This is accomplished by the employment of separate transmission paths between the data input apparatus and the authorization computer on the one hand, and between the authorization computer and the receiver unit on the other hand. The present invention is insofar distinguished from call-back systems, where only one checking occurs between the data input apparatus and the authorization computer.” Schmitz 6,078,908, col. 4 lines 1-7)

As per claim 15 (Previously Presented), Schmitz 6,078,908 teaches a mobile terminal, programmed to carry out a method according to claim 1. (“The authorization computer 2 and the receiver unit 4 can be furnished by a single computer. In this case, a first access is performed to a data processing program, which performs the authorization process, including generation and transmission

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of the transaction authorization number TAN, in the manner precedingly described.” Schmitz 6,078,908, col. 9 lines 9-14) the data processing program thus shows the programming to carry out the method of claim 1.

16. (Canceled)

19. (Canceled)

20. (Canceled)

5. Claims 13, 14, 17 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitz 6,078,908 in view of Wright, Pub. No US 2001/0027449 A1

As per claim 13 (Currently Amended), Schmitz 6,078,908 teaches a method for the handling of a payment procedure between a user of a mobile terminal and a payment recipient, ~~with the aid of~~ using less than four devices, said devices comprise the mobile terminal, an identification module, and a payment terminal of the payment recipient, comprising the following steps:

a) transmitting an authorization request for the payment procedure and an identification code from the mobile terminal to the identification module, whereby the authorization request indicates parameters of a payment authorization requested (“The authorization signal can be transmitted from the data input

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apparatus to the authorization computer along the first transmission path. Acceptance of the authorization signal during verification of the validity of the authorization signal by the authorizing computer can be limited to a predefined number of times, to a predefined user time, depending on a predefined number of data files being transmitted, or depending on a predefined size value of data files being transmitted.” Schmitz 6,078,908, col. 1, line 63-col. 2 line 4),

b) checking by the identification module as to whether a payment authorization for the identification code with at least one parameter is permissible, (“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer” Schmitz 6,078,908, col. 3 line 36-40) and, if it permissible:

c) generating a transaction code for the payment procedure requested by the identification module (“and the authorization computer allows a release of the data flow between the data input apparatus and a receiver unit after this checking of the authorization”. Schmitz 6,078,908, col. 3 lines 40-42),

d) transmitting the transaction code from the identification module to the mobile terminal (“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40)(“Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been

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established.” Schmitz 6,078,908, col. 3 lines 50-53) and to the payment terminal, whereby the transaction code displays in relation to the payment terminal the fact that the identified user is entitled to carry out the payment procedure specified by the parameter.

Schmitz fails to explicitly show a method for the handling of a payment procedure between a user of a mobile terminal and a payment recipient related to this procedure.

Wright shows instantaneous charging and collecting for the consumption of internet services (“In one embodiment, the IICSP acts as financial intermediary between the consumer and a service provider by including one or more software components to effect payment charging and collection. For example, the PC software component gathers credit or debit card information from the consumer and submits the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer.” Wright, Pub. No US 2001/0027449 A1 paragraph [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the invention of Schmitz with the charging and collecting for the consumption of internet services feature of Wright in order to provide immediacy, throughput and reliability to the consumer and provider of the services. Wright, Pub. No US 2001/0027449 A1 paragraph [0007])

As per claim 14 (Currently Amended), Schmitz 6,078,908 teaches a method for the handling of a payment procedure between a user of a mobile terminal and a

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payment recipient, ~~with the aid of~~ using less than four devices, said devices comprise the mobile terminal, an identification module, and a payment terminal of the payment recipient, whereby the communication between the mobile terminal, the identification module and the payment terminal is carried out via an air interface ("The authorization computer includes a memory storage and has available the required telephone numbers, wireless call numbers, or fax numbers, email addresses or network addresses. The data referring to this are usually stored in the authorization computer. However, it is possible that the authorization computer in turn shares and/or retrieves these data from a data source, which data source is resident on another computer. In addition, the authorization computer can also access this other computer on its own by using the method according to the present invention." Schmitz 6,078,908 col. 3 lines 19-28), having a first phase comprising the following steps:

a1) transmitting an authorization request for the payment procedure, an identification code~ and a maximum amount for a payment as a payment framework from the mobile terminal to the identification module,

a2) checking by the identification module as to whether an authorization for the identification code is permissible ("The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer" Schmitz 6,078,908, col. 3 line 36-40), and, if it is permissible :

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a3) generating a transaction code for the payment procedure requested by the identification module (“and the authorization computer allows a release of the data flow between the data input apparatus and a receiver unit after this checking of the authorization”. Schmitz 6,078,908, col. 3 lines 40-42),

a4) transmitting the transaction code from the identification module to the ~~mobile terminal and to the payment terminal~~ payment terminal and directly to the mobile terminal (“The authorization computer checks and verifies now the congruence and agreement between all valid transaction authorization numbers TANs or comparable passwords previously given out by the authorizing computer. Schmitz 6,078,908, col. 3 lines 36-40)(“Now, data can be transmitted from the data input apparatus to the receiver unit and vice versa, for example by full duplex, after a connection authorized in the above described manner has been established.” Schmitz 6,078,908, col. 3 lines 50-53), and transmitting the payment framework from the identification module to the payment terminal, further comprises a phase following in time with the following step:

b1) concluding the payment procedure by the transmission or input of a code into the payment terminal, as a result of which the payment procedure is concluded. (“The transaction authorization number TAN or the comparable password can be a one-time usable transaction authorization number TAN or a one time usable password. The validity of the transaction authorization number TAN or of the comparable password can be limited to a predefined user time. The validity of the transaction authorization number TAN or of the comparable password can be dependent on a predefined number of the transmitted data files or on a

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predefined size value of the transmitted data files. Schmitz 6,078,908, col. 7 lines 16-25)

As per claim 17 (Previously Presented), Schmitz 6,078,908 teaches a mobile terminal, programmed to carry out a method according to claim 13. ("The authorization computer 2 and the receiver unit 4 can be furnished by a single computer. In this case, a first access is performed to a data processing program, which performs the authorization process, including generation and transmission of the transaction authorization number TAN, in the manner precedingly described." Schmitz 6,078,908, col. 9 lines 9-14)

As per claim 18 (Previously Presented), Schmitz 6,078,908 teaches a mobile terminal, programmed to carry out a method according to claim 14. ("The authorization computer 2 and the receiver unit 4 can be furnished by a single computer. In this case, a first access is performed to a data processing program, which performs the authorization process, including generation and transmission of the transaction authorization number TAN, in the manner precedingly described." Schmitz 6,078,908 col. 9 lines 9-14)

Response to Arguments

6. In the remarks filed 11/16/2007, Applicant argues that:

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(1) Independent claims 1, 13 and 14 have been amended to better define the invention. Claim 1 has been amended to recite inter alia that (i) the method therein is carried out using less than four devices, including a mobile terminal and identification module, and (ii) the action code generated by the identification module is transmitted directly to the mobile terminal. Likewise, claims 13 and 14 have each been amended to recite inter alia that (i) the method thereto is carried out using less than four devices, including a mobile terminal, identification module, and payment terminal, and (ii) the transaction code generated by the identification module is transmitted to the payment terminal and directly to the mobile terminal. Support for these claim amendments can be found in FIGS. 1 and 2, among other places, of the originally filed specification. More specifically, supports for the amendments to claim 1 can be found in FIGS. 1 and 2, steps 5, 50, 6, 60, 7, 70 and 10, and devices 11 and 2. Supports for the amendments to claims 13 and 14 can be found in FIGS. 1 and 2, steps 5, 50, 6, 60, 7, 70, 700, 8, 8', 80, 800, 20, 20' and 10, devices 11, 2 and 3. Thus, no new matter has been added.

The examiner notes that the "devices" used in Fig. 1 of Schmitz 6,078,908 can be construed as modules in a single housing and that it is the method and the results that are taught rather than the physical construction on the apparatus.

(2) Schmitz, the primary prior art reference, relates to an authorization request process but it fails to disclose an important element of independent claims 1, 13

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and 14, as amended, i.e. the step of transmitting an action code or transaction code directly from the identification module to the mobile terminal. In other words, independent claims 1, 13 and 14 concern methods wherein the mobile terminal is responsible for both transmitting an authorization request and directly receiving the authorized action code or transaction code. In contrast to the streamlined methods recited in independent claims 1, 13 and 14, Schmitz concerns a complex authorization request process (shown in FIG. 1, reproduced below) that involves four different devices: a data input apparatus 1, an authorization computer 2, a receiver 3, and a receiver unit 4.

The examiner has not relied on Schmitz 6,078,908 for teaching the number of devices involved, but to show that the combined features of Schmitz in view of Beatty in fact teach a method which generates the authorization request process according to claims 1, 13 and 14 within a finite number of steps and notes that the result is predictable.

(3) Of particular relevance is the fact the data input apparatus 1, which a user employs to send an authorization request to authorization computer 2, is a different device than receiver 3, which the user employs to read a transaction authorization number (TAN) or comparable password generated by authorization computer 2. Thus, unlike the direct transmission of an action code or transaction code to a single mobile terminal in the presently claimed invention, Schmitz concerns the indirect transmission of a TAN or comparable password back to the requesting device, i.e. the data input apparatus. Particularly, the user must take

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the additional step of entering the transaction authorization number (TAN) or comparable password into the data input apparatus 1 after it is read from receiver 3. Thus, the generated information takes a more complex path back to the data input apparatus 1. Such a methodology is disadvantageous because the user must do supplemental work, which causes the user to expend more time and encounter a greater rate of error.

Similarly, the transmission of a TAN or comparable password taught by Schmitz produces a predictable result within a finite number of steps.

(4) Moreover, even after the TAN or comparable password is eventually entered into data apparatus 1, the authorization request process of Schmitz must undergo additional steps before communication can be established between data input apparatus 1 and receiver unit 4. More particularly, the TAN or comparable password must be sent from the data input apparatus 1 once again to the authorization computer 2 where it must be verified. If the TAN or comparable password is verified, then communication between the data input apparatus 1 and receiver unit 4 can be finally established. Thus, unlike the presently claimed process, the authorization request process of Schmitz involves two separate uses of the data input apparatus 1: (i) a first request for a TAN or comparable password and (ii) a second input of the TAN or comparable password after it is received. The multiple steps and multiple devices of Schmitz provide multiple opportunities of error, and thus teach clearly away from the streamlined methodology of the present invention.

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Again, the transmission of a TAN or comparable password taught by Schmitz produces a predictable result within a finite number of steps.

(5) The deficiencies of Schmitz are not overcome by either the Beatty or Wright references. The Examiner asserts that Beatty discloses the step of selecting a desired action type by menu control on a mobile terminal. Indeed, Beatty shows that all software may be driven by function keys on a cellular phone or via a computer keyboard which directs the user through options in a logical, orderly fashion, whereby the application software used for selecting, editing, and configuring new and existing NAMs, phone books and speed dial directories is typically menu-driven. See Schmitz, column 5, lines 11-13. However, the combination of Schmitz and Beatty cannot render obvious independent claim 1 because Schmitz is still directed to a methodology wherein the requested authorization code is indirectly transmitted back to the data input apparatus 1. In other words, having menu control would not solve the deficiency of Schmitz's method, i.e. the complexity of reading information out of a receiver 3 and entering this information in a data input apparatus 1 by the user.

The examiner notes that claim 1 teaches "selecting a desired action type by menu control on the mobile terminal". This is taught by Beatty. It is also an old and well known technique in the art for implementing control when using a portable terminal or control device. As noted above, Schmitz 6,078,908 produces a predictable result within a finite number of steps. Therefore the combination would have been obvious to one of ordinary skill in the art.

(6) The Examiner further asserts that Wright discloses a method for handling a procedure between a user of a mobile terminal and a payment recipient. Indeed, Wright shows an embodiment where an IICSP (instantaneous Internet charging services provider) acts as a financial intermediary between the consumer and a service provider by including one or more software components to affect payment charging and collection. But the exemplary software component cited in Wright gathers credit or debit card information from the consumer and submits the same to the proper payment processing centre to process the charge at the end of the billing period for the consumer (see Wright, paragraph [0045]). This disclosure in Wright, cited by the Examiner, contrasts with the methods of claims 13 and 14 given that the latter involve transmitting a transaction code to a payment terminal right before the payment procedure. Thus even a combination of Schmitz and Wright does not render obvious independent claims 13 and 14. The examiner has relied on Wright to teach the “gathering of credit or debit card information from the consumer and submitting the same to the proper payment processing centers to process the charge at the end of the billing period for the consumer.” The length of the billing period is not specified and can therefore include the case of “right before the payment procedure”.

(7) In order for an obviousness rejection to be appropriate under § 103(a), the combination of references must teach or suggest all of the limitations of a particular claim. However, for the reasons stated above, Schmitz in view of

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Beatty does not teach all of the limitations of independent claim 1 and Schmitz in view of Wright does not teach all of the limitations of independent claims 13 and 14. Thus, independent claims 1, 13 and 14 are not rendered obvious. Because claims 1-12, 15, 17 and 18, all depend upon allowable claims 1, 13 and 14 and recite further limitations thereto, they are therefore patentable for that reason alone.

As indicated above, the examiner respectfully notes that the arguments are not convincing enough to overcome the rejection. The rejection therefore is maintained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ella Colbert can be reached on 571-272-6741. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/

Primary Examiner, Art Unit 3696

Gerald Vizvary

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Patent Examiner, A.U. 3696

February 22, 2008